

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Claude CHOQUET

Application No.: 10/540,216

Confirmation No.: 5245

Filed: January 4, 2006

Art Unit: 1631

For: VIRTUAL SIMULATOR METHOD AND
SYSTEM FOR NEUROMUSCULAR
TRAINING AND CERTIFICATION VIA A
COMMUNICATION NETWORK

Examiner: Carolyn L. Smith

ELECTION OF SPECIES

MS AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election of Species Requirement, dated July 20, 2009,
Applicant hereby elects, with traverse, the following:

First group - Specie A: user interface as described in claims 9 and 33; and

Second group - Specie C: physic law equations that fall under mechanical laws.

Applicants respectfully traverse the election of species requirement. The instant election of species is purportedly under 37 C.F.R. 1.475(c). Under 37 C.F.R. 1.475(c), however, the instant election of species is improper. Applications entering the national stage under 35 U.S.C. § 371 are not examined according to standard restriction practice under 35 U.S.C. § 121. Applications entering the national stage under 35 U.S.C. § 371 are subject the PCT rules for unity of invention. 37 C.F.R. § 1.499. The instant election of species requires the selection of species recited in **dependent** claims. Under sections 10.06 and 10.07 of the PCT International Search And Preliminary Examination Guidelines, however, unity of invention only applies to **independent** claims. "Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims." (ISPEG § 10.06). "If the independent claims avoid the prior art and satisfy the

requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims." (ISPEG § 10.07).

The present claims are drawn to systems and methods of neuromuscular training. The claims recite steps and structure linked to neuromuscular training including, for example: "a stopwatch circuit," "retrieving data representative of one of the *training scenarios*, and "generating real time images on the multimedia device replicating the simulated environment." Meuris, in contrast, discloses a method using a CAD approach to design on-chip interconnect structures by modeling high frequency effects such as current redistribution due to the skin-effect or eddy currents and the occurrence of slow-wave modes. (Meuris, Abstract). As described by Meuris, his invention is drawn to a numerical method (Meuris, paragraph [0027],[0033]) for simulating fields (Meuris, paragraph [0002]). Simply, Meuris is completely different from the claimed inventions and does not in any way destroy the unity of invention of the claims of the instant application. Applicants respectfully submit that the species restriction is in error and respectfully request withdrawal of the restriction requirement.

The Director is authorized to charge any fees necessary and/or credit any overpayments to Deposit Account No. 03-3975, referencing Docket No. 015910-0380754.

Respectfully submitted,

Dated: August 17, 2009

By: Martin Sulsky/

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